FARAD CONTINUATION SHEET No.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE.
CRIMINAL APPLICATION NO. 1026 OF 2005.
IN
CRIMINAL APPEAL NO. 152 OF 2005.

Sou Bibishan Gongashya Shinde &
ors. .. Applicants.

vs.

The State of Maharashtra. .. Respondent.

Office Notes,Office Memoranda of Coram, appearnaces,Courts's orders or directions and Registrar's orders.	:	Court's or Judge's orders

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Shri R.S. Kate for the applicants.
Shri A.S. Shitole, A.P.P. for the State.

CORAM: V.M.KANADE,J.
DATED: 24-2-2005.

P.C.:

1. Heard learned Counsel appearing for the applicants and the learned A.P.P. for the State.

2. Applicants are convicted by the trial Court for having committed an offence punishable under sections 395, 365, 342,323, and 420 of the Indian Penal Code and are sentenced to suffer R.I. for 5 years. Applicant Nos. 1 and 3 were on bail during trial. Applicant No.2 is in jail since 9.6.2004.

3. It appears that there are number of lapses in the investigation. The test identification parade was not held and

there is discrepancy in the statements of witnesses regarding the manner in which they reached the place where incident had taken place. Though they have stated that they were injured in the said incident, no medical evidence has been brought on record. In view of these lacunas in the prosecution case, prima facie case is made out for grant of bail.

4. Accordingly, applicants be released on bail in the sum of Rs. 5,000/- each with one or two sureties in the like amount. Applicant N.2 shall, however, report to Phaltan Police Station once in a week.